

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STANDING ROCK SIOUX TRIBE, YANKTON
SIOUX TRIBE; ROBERT FLYING HAWK;
OGLALA SIOUX TRIBE,

Plaintiffs,

and

CHEYENNE RIVER SIOUX TRIBE; SARA
JUMPING EAGLE ET AL.,

Plaintiff-Intervenors,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant-Cross Defendant,

and

DAKOTA ACCESS, LLC,

Defendant-Intervenor-Cross
Claimant.

Case No. 1:16-cv-1534-JEB
(and Consolidated Case Nos. 16-cv-
1796 and 17-cv-267)

**INTERVENOR DEFENDANT DAKOTA ACCESS, LLC'S
MOTION TO EXTEND STAY OF RESOLUTION OF MOTION TO COMPEL
PROMPT COMPLETION OF ADMINISTRATIVE RECORD**

In accordance with the Court's January 15, 2019 Minute Order, Intervenor Defendant Dakota Access, LLC ("Dakota Access") respectfully moves the Court to extend the stay of resolution of Dakota Access's Motion to Compel Prompt Completion of the Administrative Record ("Motion to Compel"), D.E. 216, while Dakota Access continues to pursue the outstanding records through other means. The Minute Order requires Dakota Access to inform the Court on or before February 14, 2019 "whether it will withdraw the Motion, seek a further stay of the Motion, or ask for the Court to resolve it." Dakota Access continues to pursue many of the relevant records through a

Freedom of Information Act (“FOIA”) request to the Department of Justice, Department of the Army, Department of Interior, and Council for Environmental Quality. However, Dakota Access’s FOIA request is still in process.¹ Accordingly, Dakota Access respectfully requests that the Court further stay consideration of its Motion to Compel to allow time for processing Dakota Access’s FOIA request.

CONCLUSION

For the foregoing reasons, Dakota Access respectfully requests that the Court grant its motion to extend the stay of resolution of its Motion to Compel.

Dated: February 14, 2019

Respectfully submitted,

/s/ William S. Scherman

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David Debold

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¹ Similarly worded FOIA requests were directed at each of these four government bodies. One of them, the Department of the Army, provided its response last month. It is deficient in that it merely directs Dakota Access to a publicly available compilation of the Administrative Record that the Corps lodged with this Court, and that Dakota Access already received, more than seventeen months ago. Dakota Access will therefore continue to seek a complete response from the Department of the Army.

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of February, 2019, I electronically filed the foregoing document using the CM/ECF system. Service was accomplished by the CM/ECF system.

/s/ William S. Scherman

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TRIBE,

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Intervenor Plaintiff,

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Defendant,

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DAKOTA ACCESS, LLC,

Intervenor Defendant.

Case No. 1:16-cv-01534-JEB
[Consolidated with Case
Nos. 1:16-cv-1796 and 1:17-cv-267]

**[PROPOSED] ORDER GRANTING INTERVENOR DEFENDANT
DAKOTA ACCESS, LLC’S MOTION TO EXTEND STAY OF RESOLUTION OF
MOTION TO COMPEL PROMPT COMPLETION OF ADMINISTRATIVE RECORD**

The Court orders that Intervenor Defendant Dakota Access, LLC’s Motion to Extend Stay of Resolution of its Motion to Compel Prompt Completion of the Administrative Record (“Motion”) is GRANTED.

Dakota Access, LLC shall update the Court by March 14, 2019 whether it will withdraw the Motion, seek a further stay of the Motion, or ask for the Court to resolve it.

SO ORDERED this ___ day of ____, 2019.

The Honorable James E. Boasberg
United States District Judge